

### **REMARKS**

Reconsideration of this application is requested in light of the following remarks. Claims 1-23 currently are pending in this application.

### **CLAIM REJECTIONS UNDER 35 USC § 103**

#### **Claims 1-9, 11-12, and 15-23:**

In the Office Action, claims 1-9, 11-12, and 15-23 are rejected under 35 USC 103(a) as being unpatentable over Pelaez et al. (U.S. Patent 7,142,839, hereafter Pelaez) in view of Aljadeff et al. (U.S. Patent 6,963,289, hereafter Aljadeff) and Gutierrez et al. (U.S. Patent 7,349,360, hereafter Gutierrez). Applicant respectfully traverses the rejection.

Pelaez discloses a wireless communications system 10 for transmitting media to a group of wireless terminals 12 (*see* col. 2, lines 18-21). The system includes a Call State Function Controller (CSFC) 14, an Application Server (AS) 16, and a Location Server (LS) 20 (*see* FIG. 2). The LS 20 determines which wireless terminals are within a proximity of a location (*see* col. 2, lines 60-62). The LS 20 provides the locations of the wireless terminals to the AS 16, and the AS 16 uses the location information to group the wireless terminals based on the position of the location and the size of the proximity (*see* col. 2, lines 42-48, and col. 3, lines 25-31). The CSFC 14 acts as a call gateway for transmitting the media messages to the group of wireless terminals via wireless interfaces 15 (*see* col. 2, lines 32-38 and FIG. 2, and col. 3, lines 36-38).

Aljadeff discloses a wireless local area network (WLAN) in which location units and a master unit within the WLAN receive RFID tag transmissions and can determine the location of a tag by triangulation (*see* Abstract). An RFID tag 2 transmits a signal on a channel of the WLAN (*see* col. 3, lines 5-9, and FIG. 2). Location units 20 receive the transmitted signals, and transmit information regarding the received transmissions (e.g., time-of-arrival) to a master unit 30 (*see* col. 3, line 56 through col. 4, line 6, and FIG. 2). The master unit 30 receives such information from multiple location units 20, and determines the position of the RFID tag 2 based

on differences between the times-of arrival at the location units 20 (*see* col. 4, lines 10-14).

Gutierrez discloses a method for routing communications in an ad-hoc mobile communication network, which includes a plurality of ad-hoc network devices (e.g., cellular telephones) (*see* Abstract and col. 7, lines 25-40). The Background describes an ad-hoc communication network that includes a plurality of mobile hosts, wherein a mobile host acts as a router forwarding packets of information from one mobile host to another (*see* col. 1, lines 42-47).

Applicant respectfully submits that Pelaez has been mischaracterized in the Office Action. For example, the Office Action states that Pelaez discloses:

“... a communication link coupled to the comparator configured to transmit, to said plurality of wireless network devices that at least partially satisfy said criteria, said identification of each of said plurality of wireless network devices that at least partially satisfy said criteria in order to form a wireless network (*see column 3 lines 31-38, which recite routing messages to the wireless terminals in a location-based group wherein the message includes identification information determined by the Application Server for the purposes of routing*).” (*see* Office Action, page 3, second paragraph)

Applicant disagrees with this characterization of Pelaez. The cited portion of Pelaez states the following:

“... The Application Server 16 identifies each wireless terminal 12a in the group G in any suitable known manner, such as using a dynamic database which includes the wireless terminals Mobile Identity Number, or any other suitable identification information.

The CSFC 14 routes the media messages to the wireless terminals 12a in the location-based group G identified by the Application Server 16 in any suitable known

manner. . .” (*see* Pelaez, col. 3, lines 31-38).

As the above, excerpted portion of Pelaez states, only “media messages” are routed to the wireless terminals. Nowhere does Pelaez disclose sending the identifications of other wireless terminals to any wireless terminal. Accordingly, Applicant asserts that Pelaez has been mischaracterized, and that Pelaez does not disclose “. . . a communication link coupled to the comparator configured to transmit, to said plurality of wireless network devices that at least partially satisfy said criteria, said identification of each of said plurality of wireless network devices that at least partially satisfy said criteria in order to form a wireless network . . .”

In addition, Applicant asserts that Pelaez is directed to non-analogous art. More specifically, Applicant’s claims are directed to formation of a Wireless Personal Area Network (WPAN), and Pelaez is not. Instead, Pelaez is directed to the identification of a group of wireless terminals, which are *not* PAN devices, and to transmitting media messages to the group of wireless terminals. The wireless terminals of Pelaez do not intercommunicate and, accordingly, are not PAN devices. In addition, nowhere in Pelaez is the formation of a WPAN disclosed. Accordingly, Applicant believes that Pelaez is directed to non-analogous art.

Applicant respectfully submits that Aljadeff also has been mischaracterized in the Office Action. For example, the Office Action indicates that Aljadeff discloses:

“... the plurality of electronic devices each have a Radio Frequency Identification (RFID) tag function and wherein the base station is configured to address the RFID tag function of each of said plurality of network devices . . .” (*see* Office Action, page 3, last paragraph); and

an “. . . RFID tag system that provide a RFID tag function for wireless terminals . . .” (*see* Office Action, page 4, lines 3-4).

Applicant disagrees with these characterizations of Aljadeff. As stated above, Aljadeff merely discloses RFID tags, which transmit signals on channels of a WLAN (*see* Aljadeff, col. 3, lines 5-9, and FIG. 2). Nowhere does Aljadeff disclose that a base station addresses the RFID function of the RFID tags. In addition, nowhere does Aljadeff disclose that the RFID tags are used to provide an RFID tag function for a wireless terminal. In contrast, Aljadeff indicates that the RFID tags may be used as a “pendant” (*see* Aljadeff, col. 2, lines 63-67). Nowhere does Aljadeff disclose an “RFID tag function for wireless terminals.” Accordingly, Applicant asserts that Aljadeff has been mischaracterized.

In addition, Applicant asserts that Aljadeff also is directed to non-analogous. More specifically, Applicant’s claims are directed to formation of a WPAN, and Aljadeff is not. Instead, Aljadeff is directed to an RFID tag system that transmits signals on WLAN channels.

Applicant’s claims 1-9, 11-12, and 15-23 include at least the following features, which distinguish these claims from that which is taught or suggested by Pelaez in view of Aljadeff and Gutierrez:

Claims 1-6:

“An apparatus for forming a Wireless Personal Area Network (WPAN) from a plurality of Personal Area Network (PAN) devices, comprising:

- a location determinator configured to address a radio frequency identification (RFID) tag function of each of said plurality of PAN devices, and to determine a location for each of said plurality of PAN devices using an RFID tag location technique;
- a comparator coupled to the determinator and configured to compare said location for each of said plurality of PAN devices with a WPAN association criteria in order to determine an identification of each of said plurality of PAN devices that at least partially satisfy said WPAN criteria; and
- a communication link coupled to the comparator configured to transmit, to said plurality of PAN devices that at least partially satisfy said WPAN criteria, said identification of

each of said plurality of PAN devices that at least partially satisfy said WPAN criteria in order to form a WPAN in which said plurality of PAN devices that at least partially satisfy said WPAN criteria mutually and directly intercommunicate with each other over wireless links.”

Claims 7, 12, 17, and the claims that depend therefrom include similar distinguishing features, and are not listed here for purposes of brevity.

Neither Pelaez, Aljadeff, Gutierrez, nor their combination teach or suggest all the limitations of Applicant’s claims 1-9, 11-12, and 15-23. Further, Applicant asserts that both Pelaez and Aljadeff have been mischaracterized and both are directed to non-analogous art. Gutierrez is directed to a WPAN, but Gutierrez fails to make up for the deficiencies in Pelaez and Aljadeff.

Based at least on the above remarks, Applicant believes that the rejection of claims 1-9, 11-12, and 15-23 under 35 U.S.C. 103(a) has been overcome. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 1-9, 11-12, and 15-23 be allowed.

Claims 10, 13, and 14:

In the Office Action, claims 10, 13, and 14 are rejected under 35 USC 103(a) as being unpatentable over Pelaez in view of Aljadeff and Gutierrez, as applied to claims 7 and 12, and further in view of Van Valkenburg (Pub. No. US 2005/0180343, hereafter Van Valkenburg). Applicant respectfully traverses the rejection.

Pelaez, Aljadeff, and Gutierrez were previously discussed. Van Valkenburg discloses a method for network formation that focuses on Bluetooth networking, and in particular on networking using the PAN profile (*see* para. [0001]).

As discussed above in conjunction with the rejection of claims 1-9, 11-12, and 15-23, neither Pelaez, Aljadeff, Gutierrez nor their combination disclose, suggest or motivate the

features of Applicant's claims 7 or 12, from which claims 10, 13, and 14 depend. Further, Van Valkenburg does not make up for the deficiencies in Pelaez, Aljadeff, and Gutierrez. Because neither Pelaez, Aljadeff, Gutierrez, Van Valkenburg nor their combination teach or suggest all of the claim limitations, a 35 U.S.C. 103(a) obviousness rejection cannot be sustained. Based on the above remarks, Applicant believes that the rejection of claims 10, 13, and 14 under 35 U.S.C. 103(a) has been overcome. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 10, 13, and 14 be allowed.

### **CONCLUSION**

In view of Applicant's remarks, it is respectfully submitted that the Examiner's rejections have been overcome. Accordingly, Applicant respectfully submits that the application, as amended, is in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicant's attorney at (480)385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2019 for any fee which may be due.

Respectfully submitted,  
Ingrassia Fisher & Lorenz, P.C.

Date January 19, 2009

By /SHERRY W. SCHUMM/  
Sherry W. Schumm  
Reg. No. 39,422  
480.385.5060